

MADISON COUNTY PLANNING BOARD  
MEETING MINUTES  
NOVEMBER 26, 2007

BOARD MEMBERS PRESENT: Lane Adamson, Dorothy Davis, Kathy Looney, John Lounsbury, Don Loyd, Dave Maddison, Eileen Pearce, Laurie Schmidt and Ann Schwend.

BOARD MEMBERS ABSENT: Pat Bradley and Ed Ruppel.

STAFF MEMBERS PRESENT: Planning Director Charity Fechter and Planning Board Secretary Marilee Tucker; consulting planner David DeGrandpre.

OTHERS PRESENT: Tom Henesh, Nick Gevock, Ross Keogh, John Seaman, Bob Bayley, Mark Petroni, Brian and Darlene Moyer, Robert Endicott, Tim Hokanson, Alfred Hokanson, Keith Hokanson, Wally Bowery, Chris Murphy, Jan Murphy, John Tomlinson, Karen Brown, Rich Hewitt, Shelby Hewitt, Roger Lang, Jessi Fanelli, Kevin Germain, Victoria Wright, Wayne Lower, Jon Fossel, Jynean Skank, Scott\_\_\_\_\_, Matt Thomas, Trent Gardner, Jim Barr Coleman, Mark Woods, Molly Peterson, Steve Covas, Patty Covas, Bob Miller, Deborah K. Gregg, Jim Jarvis, Lewis Burton, Kevin Spencer, Buzz Tarlow, Guy Amburgey, Jo Amburgey, Marvin Hansen, aul Luciani and Steve Nelson.

MOTION: To accept the minutes of the October 29, 2007 meeting as corrected. Moved by John Lounsbury and seconded by Kathy Looney. All voted aye.

#### PRESIDENT'S COMMENTS

Welcome to Jim Jarvis as Planner II. He will begin work in the Planning Office on December 3, 2007.

#### PUBLIC COMMENTS/COMMISSIONERS' COMMENTS

Dave Schulz described the Planning Office transition of the last few months. He remarked on how the workload of the Planning Office and Planning Board represents a county in change. He thanked Marilee for keeping the Planning Office together during the transition period since Doris Fischer left her job as Planning Director. Dave Schulz and Ann Schwend present her with a Certificate of Appreciation.

#### OLD BUSINESS

##### Madison Growth Solutions Process

Lane Adamson reported that the Growth Solutions group is trying to obtain grants to continue the process of encouragement of dialogue toward implementation of the Growth Management Action Plan for the Madison Valley. He remarked that there is a need to be able to implement the Madison County Growth Policy.

#### PUBLIC HEARING ON NEW INFORMATION SUBMITTED FOR BRADLEY CREEK OVERALL DEVELOPMENT PLAN AND PRELIMINARY PLAT FOR BRADLEY CREEK MAJOR SUBDIVISION

Ann Schwend went over the procedure and history of the project with the county. The first Planning Board hearing on the proposal was held on September 24, 2007, followed by the County Commissioners' meeting on October 26 at which time they sent it back to the Planning Board for this subsequent hearing. The Commissioners said that there was "new, relevant and credible information presented at the first public hearing that the public and subdivider did not have reasonable opportunity to comment on." As required by Madison County Subdivision Regulations, the Planning Board scheduled a subsequent public hearing on the newly submitted information at which time they would adopt Findings of Fact and recommendations to the County Commissioners.

Dave DeGrandpre, Consulting Planner, presented his updated Staff Report. It included a description of the property as being approximately 2885 acres located on the east and west sides of US Highway 287 N. It is located approximately 1.5 miles south of Norris, Montana and 12 miles north of Ennis. The project consists of two parts, an Overall Development Plan (ODP) for the entire six-phase development and a preliminary plat

application for Phases 1 – 3. The ODP plans for a total of 161 lots for single-family residences, a community center and three parks. The subdivider offered to devote four lots to the cause of affordable housing. The project consists of 6 phases, with Phases 1-3 consisting of 147 lots.

Tom Henesh, representative for the developer, presented to the Board that the project's team had addressed the concerns that were voiced in the letters and that had come from the Planning Board in the previous hearing.

#### PUBLIC COMMENTS/QUESTIONS

- ❖ (to the Board) No need to change your decision from the last hearing. The wildland urban interface zone is still a critical problem as it is very dangerous and expensive to fight fires in these areas. Norris has no fire department, no school, no police.
- ❖ The Planner's report on wildlife did not seem to reference the Wildlife Conservation Society report that came out in the last two years and which contained critical information on the wildlife connectivity corridor on the property. It is an important collaborative effort of many agencies.
- ❖ Wildland fire protection for the Norris Hill is provided by the Forest Service. It is a daunting project to fight fires there.
- ❖ Hot Springs Creek, of which Burnt Creek is a tributary, is an impaired stream. Concerns over Total Maximum Daily Loads (TMDL's) of sediments and pollutants into streams are being studied in the streams of the area.
- ❖ Look at this development as if it is an irretrievable use of this land. We are mortgaging the future.
- ❖ Mr. Petroni is not a water quality expert, nor a wildlife biologist. *Mr. Petroni is a wildlife manager and has great credibility as such.*
- ❖ The rule of law is most important in making a decision about this subdivision, not personal feelings. Board should reflect what is required by law.

#### PLANNING BOARD COMMENTS/QUESTIONS

- ❖ What are the pluses and minuses for elk there? *Petroni: Elk will continue to use this area. It is of more concern that there is a critical linkage for other species besides elk. If we don't have these corridors, we are dooming species to extinction. This area is more important for species migration and connection between the Madison Range and the Tobacco Root Range.*
- ❖ A lot of personal opinion of Drs. Mackie and Eng was involved in studies of the wildlife in the area. They discounted the wildlife study done by the Wildlife Conservation Society. Circumstances in the Madison Valley are very different now than in the 1990's when other wildlife assessments were done and cited by Drs. Mackie and Eng.
- ❖ The TMDL thing is a big concern. The Clean Water Act mandates that every stream in the United States has to go through the TMDL process which is an evaluation of how well it meets certain standards. Hot Springs Creek, which drains all of that area, is already on the impaired stream list. There's 4,000 feet of road planned to be built in the subdivision, right next to Woods Creek, a tributary of Hot Springs Creek. All of the runoff in the area goes down hill and into the creek. Gravel roads and creek crossings put a significant load on Hot Springs Creek.
- ❖ Approximately 1200 feet of the road in the subdivision is within the stream setback, closer than 100 feet.
- ❖ Taking the cattle off of the land and out of the stream will greatly improve the stream.
- ❖ Business people in Norris expressed that there is a need for places for potential employees to live. It takes people to make a community. Towns in the county have been on the decline for the past 30 years. We're sitting here saying that Norris is not a community because they don't have any services.
- ❖ No one is saying there can't be a subdivision there. What's being said is that what is being proposed is inappropriate. We're not saying we don't want any growth, but let's do it in a way that does not negatively impact the water quality, health and safety and wildlife habitat. This could be done easily.
- ❖ Ann- I am very qualified to comment on the TMDL as the Water State Coordinator in the Ruby.....as somebody who is charged with implementing our water quality restoration plan so that we can meet all of these TMDL's. Cumulative impacts of water quality issues, particularly related to the roads, are a little bit of a problem.

- ❖ You can't discount the impacts from grazing of horses. Allowing horses kind of negates [the impacts] of taking away the grazing.
- ❖ Regarding water quality, your public notice for the Army Corps of Engineers and wetlands application, you listed 118 lots. *Henesh-I don't know where that came from. Whether it's 118 lots or 200, it does not change the wetlands.*
- ❖ This is a joint application to the DEQ and the Army Corps. Is that right? Yes. *It wouldn't matter if we had 200 lots. We only have 1.56 acres of wetlands.*
- ❖ The project description states 2,762 acres. What is the actual acreage on the property? It seems like things were very inconsistent in these applications that you put in. *Henesh-It looks like we may have to go out for additional comments according to the Corps (Army Corps of Engineers). It is 2885 acres.*
- ❖ Was there water running in these irrigation ditches last year when the property was purchased? *If they (previous owners) ran water in the ditches, they didn't have a right to. There are no water rights with this land. Years and years before there were water rights with this property.*
- ❖ The water rights are held by the Tobacco Root Reserve LLC. You were getting artificial recharge and sub-irrigation in that area from those ditches that are now abandoned. *No. There has not been water in those ditches since the 1950's or 60's. The upper ditch has been used.*
- ❖ This is a discussion about the ag ground and taking ag out of production. You don't have the hydrology to support productive hay ground even within that hundred foot corridor. *Henesh- The land that was in hay ground and produced the hay was not irrigated.*

MOTION: To recommend denial of the road variance. Moved by Kathy Looney, seconded by Lane Adamson. All voted aye. Variance is denied.

#### PLANNING BOARD DISCUSSION POINTS ON ROAD VARIANCE

- ❖ If we approve this variance, we will be setting a precedent.
- ❖ The number of people using the roads could increase in the future and the road would not be adequate for the traffic.
- ❖ I was going along with what Mr. Mumme said that there shouldn't be any problem allowing them to make the roads 20 feet wide as far as emergency traffic etc.
- ❖ Mr. Mumme was only looking at emergency services, not water quality.
- ❖ Are you saying that narrowing the roads would improve water quality? *They were discussing the construction stage, not the long term stage. As they have build out there is a need to expand those roads to meet county standards.*

#### OVERALL DEVELOPMENT PLAN DISCUSSION

MOTION: To recommend approval of the Overall Development Plan with Dave DeGrandpre's recommendations. Moved by Dave Maddison. Seconded by Don Loyd. Five voted nay and three voted aye. Motion fails.

Don Loyd called for a Point of Order expressing the need for another motion.

MOTION: To recommend denial of the Overall Development Plan. Moved by Kathy Looney, seconded by Laurie Schmidt.

Five voted aye and three voted nay. The Overall Development Plan is recommended to be denied.

MOTION: To recommend denial of the preliminary plat of Bradley Creek Subdivision. Moved by Laurie Schmidt and seconded by Lane Adamson. Six voted aye, 1 nay and two abstained. Motion passes.

#### FINDINGS OF FACT ON THE RECOMMENDATION FOR DENIAL OF THE OVERALL DEVELOPMENT PLAN AND PRELIMINARY PLAT OF BRADLEY CREEK SUBDIVISION

1. Effects on Wildlife and Wildlife Habitat. The subdivision is a negative impact on wildlife based on the connectivity between the Madison Range and the Tobacco Root Range.
2. Effects on Agriculture. Negative impacts on agriculture

- a. It is a change from a 2900 acre grazing parcel.
  - b. Adjacent lands are still in agriculture.
  - c. Dense development has been placed in the agricultural production area which will make it very difficult to maintain production.
  - d. It does not maintain nor expand agriculture in the area.
3. Effects on the natural environment. It has a negative effect on the natural environment.
  - a. Specifically with the water quality issue;
  - b. Location of the roads; the road along Wood Creek;
  - c. The overall number of roads to reach the outlying areas.
4. Effects on public health and safety. It has a negative impact on health and safety.
  - a. It is located in the wildland urban interface.
5. Compliance with the Comprehensive Plan/Growth Policy. It is not in compliance with the Revised Growth Management Action Plan for the Madison Valley.
  - a. It is in conflict with the Guiding Principles of the document, namely “encourage ‘infill’ and discourage ‘sprawl’ by locating new development close to existing services and communities and by supporting the expansion of community infrastructure.

Lane: the number 1 environmental threat in the West is Rural Sprawl, according to studies done by the government and non-profits. The Undersecretary of the Interior said “that it is the greatest threat, particularly in the wildland urban interface.” It is costing the taxpayers millions of dollars in fire fighting alone.
6. Effects on Public Health and Safety. The subdivision has negative impact on the public health and safety.
  - a. Namely regarding traffic and the number of vehicles that will be entering the highway in an area where the speed limit is 70 miles per hour.

NOTE: Ann Schwend stated that the Planning Board is not opposed to a subdivision, and there is a need for housing around Norris. A project of this size and magnitude is too much at this point. We encourage the developers to consider scaling back, while clustering the development closer to the highway. You should reduce the number of homes in the outlying areas.

MOTION: To adopt the Findings of Fact as stated. Moved by Lane Adamson, seconded by Laurie Schmidt. Six voted aye, one nay and two abstained. Motion carries.

MOTION: We determine that the information put forth and heard this evening does not constitute new information. Moved by Don Loyd and seconded by Eileen Pearce. All voted aye.

#### PUBLIC HEARING AND PRELIMINARY PLAT REVIEW OF MOOSE CREEK VILLAGE PLANNED UNIT DEVELOPMENT, MCALLISTER (CP Development, landowner)

President Ann Schwend recused herself from the proceedings with Moose Creek Village because of her husband’s employment with Gateway Engineering as they are the engineering firm working on the Moose Creek Village project. Vice President John Lounsbury led the proceeding.

Charity referred to the plat of Moose Creek Village and described it as a 9.47 acre site located at the southwest corner of North Meadow Creek Road and US 287 N in McAllister. Surrounding uses are mixed residential and agriculture to the north, west and south, and commercial on the east side of US Hwy 287 N. She recommended approval of the project. It is planned to include 32 residential townhouse/condominium units and commercial units. There are to be 8 4-unit buildings. Access consists of 3 driveways onto North Meadow Creek Rd and one access from US Hwy 287 N, just south of the Post Office in McAllister.

Lewis Burton of Gateway Engineering spoke to the Board and covered the following topics:

- ❖ This project provides potential option for affordable housing in the county.
- ❖ It provides some commercial space in the area.

- ❖ Traffic is a concern and a study will be completed for MDT and the subdivider will do whatever is required to comply.
- ❖ A hydro-geological study will be done on the parcel to determine the needs for water and sewer systems and for fire protection needs. Density was a concern with neighbors, but it is hard to do expensive water and sewer systems without density. It will be a public commercial water system and separate from the fire system.
- ❖ We are proposing a public wastewater system of very high quality which will filter out phosphorous, nitrogen and pathogens leaving a low level of bacteria in the wastewater.
- ❖ We will have a pond for fire protection with a pressurized system. We believe that this will provide protection for the new community and for the surrounding community as well.
- ❖ There has not been a letter from MDT and they will have to comment to the county.
- ❖ Question to the Postmaster: Can you accommodate additional patrons? *Yes. MDT told us they would do the traffic study next spring. Traffic does not obey the 45 mph through McAllister.*

Vice President Lounsbury announced that the Board had received 15 letters concerning this project prior to this hearing.

#### QUESTIONS/COMMENTS FROM THE PUBLIC

- ❖ The Community of McAllister got the speed limit reduced when MDT did not want to reduce it. The group went to the MDT Traffic Board in Helena to get the speed limit reduced. The safety project on the highway has been delayed until 2009. MDT had previously told the area residents that there would not be additional access off the highway granted. Please put this project on hold until MDT has finished their safety project.
- ❖ It is very difficult to see the cars coming from Ennis when entering from the North Meadow Creek Rd.
- ❖ Run off from the roads, streets etc. will be going into the creek. *We are required to do a stormwater analysis. We are not allowed to put run off into the creek or borrow ditches.*
- ❖ The density on that land seems too high with vehicles, pets and recreational vehicles.

#### QUESTIONS/COMMENTS FROM THE BOARD

- ❖ For the recommended pressurized hydrant system for firefighting, what is the source of the water for that? I assume that they will have to run separate water lines for that because you can't run potable water through lines from the pond meant for firefighting.
- ❖ Where will the wastewater go? *Wastewater will go into a drainfield with lower levels than would normally be the case.*
- ❖ Isn't it 20-30' to groundwater in the area? *That is an approximation.*
- ❖ Isn't that a lot of water going into close ground water? *It would be if it were really wastewater. By the time it went through 30 feet of soil you wouldn't know it was in there. The experts will tell you that with 3-5' of soil pretty much cleans the water.*

MOTION: To recommend approval as presented. Moved by Don Loyd and seconded by Dave Maddison.

#### Board Discussion:

- ❖ Will you put requirement for down cast exterior lighting in the covenants? *Yes.*
- ❖ Will you agree to a condition of approval that the height of the two-story portions of the residential condominiums is restricted to that needed for standard two-story construction? *Yes.*

AMENDMENT TO THE MOTION – Add Condition # 10 to restrict the height of the two-story portions of the residential condominiums to that needed for standard two-story construction. Moved by Kathy Looney, seconded by Dave Maddison. All voted aye.

VOTE ON THE MAIN MOTION: Eight voted aye, no nay. Motion carries to recommend approval of the Moose Creek Village Planned Unit Development with conditions outlined by the Board and Planning Director.

## PLANNING BOARD RECOMMENDATION

Based on the above discussion and proposed Findings of Fact, the Planning Office recommends

### *[Standard conditions]*

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.
2. A notarized declaration of "Right to Farm" and "Emergency Services Information" (Appendix R. of Madison County Subdivision Regulations) must be filed with the final plat.
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lien holders or claimants of record against the land, and the written consent to the subdivision from any lien holders or claimants of record against the land.
4. All road and utility easements (or rights-of-way) shall be clearly shown and labeled on the final plat.
5. Future modification of any elements shown on the plat may not be made without County review and approval.

### *[Additional site-specific conditions]*

6. That the traffic study be reviewed and approved by Madison County and Montana Department of Transportation and recommended improvements beyond the programmed turn lane be provided at the developer's expense.
7. Provide a pressurized fire hydrant system for the development.
8. Include the water and wastewater systems as part of the required subdivision improvements.
9. Provide proper signage to clearly identify addresses for emergency responders.
10. The height of the two-story portions of the residential condominiums is restricted to that needed for standard two-story construction.

## REVIEW OF MOONLIGHT BASIN RANCH AMENDED OVERALL DEVELOPMENT PLAN, BIG SKY, (Moonlight Basin Ranch, landowner)

Dave DeGrandpre, Consulting Planner or Land Solutions LLC, presented the maps for the amended ODP with the following high points:

- ❖ The major issues in the 2003 approval of the ODP were wildlife impacts, wetlands, geotechnical constraints, avalanche risk, protecting scenic views, workforce housing, potential overuse of the nearby Lee Metcalf Wilderness resources, fire protection and cultural and archeological resources. Since that time Moonlight has taken a number of steps to address the cited concerns and conditions of approval.
- ❖ The current proposal contains modifications from the existing, approved ODP including:
  - a. 1,651 proposed residential units instead of 1,290, an increase of 390 residential units.
  - b. A revised layout that generally concentrates development in the eastern and western areas and removes the northwestern part of the development pod as well as eight pods from the central portion of the property;
  - c. Definitions of residential and commercial development;
  - d. Detailed breakdown of numbers, types and locations of residential development as well as approximate square footages for commercial development, employee housing, recreational amenities and support services;
  - e. More than 90,000 sq. ft. of workforce housing (50+ units);

f. A development timetable or phasing plan.

#### COMMENTS FROM KEVIN GERMAIN, REPRESENTATIVE OF MOONLIGHT BASIN RANCH

- ❖ Fuels mitigation is a big concern for [Moonlight]. We are expanding services and equipment and looking into annexation to the Gallatin Canyon Consolidated Rural Fire Department, soon to be Big Sky Fire.
- ❖ Carpooling and shuttle policy is a project being worked on. Moonlight currently pays employees to carpool and is a sponsor of the Skyline Bus System.
- ❖ Moonlight is expanding the study with the Wildlife Conservation Society and Interagency Grizzly Bear Study. There is no literature out to determine the needs of the wildlife in the area for them to go by.
- ❖ We have hired Gage Davis Land Planning to look at the economics and land use plan.
- ❖ There were parking lot surveys done last year and it was determined there needed to be more density to make the area a four season resort.
- ❖ We have worked with Tom Olinecki to mitigate impacts on wildlife. We have increased the wildlife corridor from 1700 feet to 6600 feet.
- ❖ The definition of a residential unit has been refined. It is now,
  - A detached house, semi-detached house, or condominium unit;
  - A suite or room in a hotel, motel, inn, boarding house or a lodging house or that part thereof that is occupied by an individual as a place of residence or lodging; is leased as a place of residence or lodging for individuals; is vacant, but was last occupied or supplied as a place of residence or lodging for individuals; or has never been used or occupied for any purpose, but is intended to be used as a place of residence or lodging for individuals.
- ❖ Moonlight held two neighborhood meetings, one in Ennis and one in Big Sky.
- ❖ There are four updates to Environmental Assessment:
  1. Traffic study
  2. Wildlife analysis
  3. Emergency services: will build a fire station and plan on annexation.
  4. Water availability study

#### COMMENTS/QUESTIONS FROM THE BOARD

- ❖ When will you build the substation? *After completion of the hotel and annexation to Big Sky Fire takes place.*
- ❖ What assurance do we have that the corridor will remain for wildlife? Can there be easements or deed restrictions? ODP's seem to be ephemeral when it comes to wildlife concerns. *The 160-acre ranches are deed restricted. We are looking into a conservation easement, but the Jack Creek Road could be a problem with that.*
- ❖ What if Moonlight sells and the new owners want to bring in more than 4,000 skiers per day, will there still be a student skiing program if there are more resident skiers and a cap on the number of skiers? *We can't say so far. The ODP that was passed by the Planning Board would be in place.*
- ❖ Has adjustable rate mortgage situation affected sales at Moonlight? Indirectly it has, but the biggest effect has been the credit crunch.
- ❖ We need a tour.
- ❖ Does the number of residential units address an extra residence that someone rents like a garage or guesthouse? *I'm not sure.*
- ❖ Workforce employee housing is not included in the residential units. Why is that? *It is under commercial.*
- ❖ Addresses at Moonlight are extremely hard to find. *We are working with Karen (Madison County GIS Coordinator) on updating the addressing.*

#### PUBLIC AND BOARD COMMENT

- ❖ Jon Fossel-We purchased our property in Jack Creek area in 1994. In 1997 one of the owners of Moonlight was quoted as saying, "less than 2,000 acres would be developed by

Moonlight". In the 2005, Moonlight's Vision Map had 21 Reserve lots. Two of those have already been sold and intensely developed. They are changing their vision continuously. The Board needs to keep Moonlight from changing their design. Last year they said that they would not exceed the 695 units, but now want 390 more. What will next year bring?

❖ Suggestions:

1. I suggest strongly at this point in time with the prospect of a new owner, the Board should take it upon itself to formalize and require the promises that are being made today and make them so that they cannot be wiggled out of. The wildlife corridor is not really there. The Reserve lots are right there too.

2. The remaining Reserve lots do not have deed restrictions on them. The Board should find a way to see to it that the 160 acre parcels remain that size, not made smaller.

3. The Jack Creek Road is very dangerous. The county portion of the road is an accident waiting to happen. The county needs to limit the traffic or put a significant amount of money into fixing it so it is safe.

4. The number of skiers, 4,000, is not a locked in stone commitment. It's what we are doing today. A new buyer might want 7,300 skiers and that would require 3,013 units.

5. Four of the Reserve lots are in the primary elk calving area.

❖ John Lounsbury-On the subject of wildlife, the Madison Range faces West, the East side is the Gallatin Forest and the West side is in Petroni's district. We have from Ted Turner's ranch, the Flying D, to the Spanish Peaks Wilderness Area... then going south clear down to the Sun Ranch and there is a whole Greater Yellowstone Ecosystem and it's probably nicest big, intact [region] between Forest Service and private land that we have. There's nothing like it even on the Cody side of Yellowstone. Moonlight is a keystone in that whole, big, long area. From Ted Turner's place down to Roger Lang's...I think the stakes are really high for wildlife.

❖ Mark Petroni, Madison District Ranger- Beaverhead-Deer Lodge District, USFS: All of our concerns about the number of people that enter that area remain intact. If they (Moonlight) continue to use the same mitigation plans, we have a working relationship with Moonlight that we can deal with. We would like to keep that wilderness from becoming an urban wilderness and the costs associated with managing it. The corridor in this plan provides a better opportunity for wildlife to move around.

#### ADDITIONAL QUESTIONS FROM THE BOARD

❖ Are you willing to commit to deed restrictions on the remaining 160's? *The deed restrictions are put into place when each of them sells. If one house on 160 acres is not wildlife preserve, then I don't know what is.*

MOTION: To recommend approval of the Moonlight Basin Overall Development Plan with Notes and Conditions. Moved by Dave Maddison and seconded by Don Loyd.

AMENDMENT TO THE MOTION: To add Condition #12 for collaborative efforts on trails with the USFS and FWP. Moved by Laurie Schmidt and seconded by Kathy Looney. All voted aye.

MOTION: To recommend approval of the ODP with 1651 total residential units for a maximum capacity as per the recommendations of the Planner. Moved by Lane Adamson, seconded by John Lounsbury. Seven voted aye, one abstained. Motion carries.

VOTE ON THE MAIN MOTION: All voted aye. Motion carries.

PLANNER RECOMMENDATIONS:



1. Show recent and proposed efforts made toward implementing the *Fire Management Operations Guide/Fuels Management Plan*.
2. Provide evidence of annexation of that phase into the GCCRFD or providing a similar level of service and protection.
3. Provide employee and/or affordable housing opportunities. The number of units should be a function of demand as well as need generated by residential and commercial development proposed within each phase. Moonlight Basin shall address this issue in detail along with each preliminary plat application.
4. Jointly participate with other Big Sky area developers in a Madison County led study to address traffic safety issues on US Hwy 191 and MT Hwy 64.
5. Submit a preliminary phase/site specific geotechnical assessment with each preliminary plat application and a more detailed, site specific evaluation prior to final plat approval.
6. Submit phase/site specific avalanche information with each preliminary plat application.
7. If located outside of the original inventory boundary areas, submit a phase/site specific cultural resource evaluation with each preliminary plat application.
8. Provide phase and land use specific evaluations of anticipated impacts on wildlife and wildlife habitat as well as evidence of current and proposed steps taken to limit impacts to wildlife and wildlife habitat.
9. Provide a phase/site specific proposal to limit or prevent impacts to water quality as well as evidence of recent and current steps taken to protect water quality in the form of a DEQ stormwater management plan.
10. Provide a phase/site specific evaluation of impacts to law enforcement resources and proposed measures intended to mitigate those impacts if appropriate.
11. Submit a phase/site specific wetland evaluation and proposed measures to limit or avoid impacts to wetlands as applicable in the form of a 404 permit application.
12. The developer shall work with the Forest Service and Montana Department of Fish, Wildlife and Parks on trails planning and wilderness use.

#### ADDITIONAL NOTES

1. At any subdivision phase, Moonlight Basin may be required to provide all or part of an updated environmental assessment, in accordance with the Madison County Subdivision Regulations, to address impacts that emerge and changing conditions over time.
2. Regarding traffic safety, at some point it may become necessary for Madison County, in response to public safety concerns, to deny subdivision applications in the Big Sky area, including but not limited to Moonlight Basin, until traffic safety improvements have been made.<sup>1</sup>
3. Moonlight Basin is encouraged to further minimize the potential for human/animal conflicts and maximize the opportunity for wildlife connectivity by more heavily clustering its development, removing development pods from high quality habitat and adding density to locations with low quality habitat.

## NEW BUSINESS

### REVIEW OF CONSERVATION EASEMENTS

1. The Trust for Public Land, Sun Ranch, Cameron, Roger Lang, landowner, approximately 11,000 acres south Madison area.
2. The Montana Land Reliance, Steve and Judy Parks, landowners, 180 acres in the Sheridan area.
3. The Montana Land Reliance, Neville and Janice Lorick, landowners, approximately 379 acres south of Virginia City.
4. The Montana Land Reliance, Sherwin Scott, landowners (dba Intrepid Investments, Inc.), 470 acres in the Alder area.

MOTION: To approve the conservation easements as presented. Moved by Dave Maddison, seconded by Lane Adamson. All voted aye. Motion carries.

### PLANNING BOARD MEMBER REPORTS

Ann Schwend announced that there will be a potluck at the school in Twin Bridges for the Ruby Watershed with a discussion on Water and Rural Sprawl, November 28.

John Lounsbury suggested that the Board and possibly the Commissioners would like someone to speak to them about ex parte discussions and other legal matters concerning board members. Myra Shults, land use attorney with MaCO was suggested as the speaker.

### PLANNING OFFICE REPORT

It was included in the packets.

### OTHER BUSINESS

Nominating Committee for Planning Board Officers will be Lane Adamson and Laurie Schmidt and anyone else from the board who is interested.

Ann handed out chocolate covered pretzels to the members and staff for Christmas.

Adjournment was at 10:30 p.m. The next regular meeting of the Planning Board will be Monday, January 28, 2008.

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Ann Schwend, President

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Marilee Foreman Tucker, Sec.